

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claim 5 is cancelled without prejudice to or disclaimer of the subject matter contained therein. Claim 3 was previously cancelled. Claims 1, 2, 4, and 6-10 are pending. Claims 1, 6, and 10 are independent, each of which is amended. The Examiner is respectfully requested to reconsider the rejections in view of the remarks set forth herein.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 4, and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. (U.S. 5,494,055) in view of Miyauchi et al. (U.S. 2002/0074007) and Le Gars (U.S. 5,143,099);

claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi, Le Gars, and Baker et al. (U.S. 4,624,268);

claims 6-8 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi et al., Le Gars, and Lowman (U.S. 2,999,520); and

claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al., Miyauchi, and Lowman, Le Gars, and further in view of Marchese et al. (U.S. 2,320,702) and Eckstein et al. (U.S. 2001/0009938-A1).

These rejections are respectfully traversed.

Amendments to Independent Claims 1, 6, and 10

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present invention, each of independent claims 1, 6, and 10 has been amended to recite a combination of features, including inter alia

“wherein the perfume material is in powder form or in grain form”.

This subject matter was previously set forth in now-cancelled claim 5.

The Examiner considers that the subject matter of claim 5, which we propose to be incorporated into claim 1, is unpatentable because Noe et al. (U.S. Patent 5,494,055) discloses a microcapsule. However, Noe et al. does not clearly state whether the aroma mixture in the microcapsule is in powder or grain form.

The combination of the perfume material and glue, as claimed, is not rendered obvious by Noe et al. or the other cited references.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1, 6, and 10 is not disclosed or made obvious by the prior art of record, including Noe et al., Miyauchi et al. and Le Gars.

Therefore, independent claims 1, 6, and 10 are in condition for allowance.

Dependent Claims

The Examiner will note that dependent claim 5 has been cancelled.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

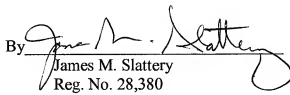
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,
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